

## **REMARKS**

Claims 1-63 are pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### **Comments on Examiner's Response to Arguments**

In the Response to Arguments section of the present Office Action, the Examiner appears to take umbrage to the following statement made by Applicants' undersigned attorney in the Response filed July 12, 2006:

The subject matter of claims 61-63 was suggested by the Examiner himself in facsimile transmissions sent to Applicants' attorney on May 25, 2004 and January 20, 2005, and in the Office Action of February 10, 2005. These claims were suggested by the Examiner himself and have been repeatedly examined by the Examiner.

This statement was made in regard to the previous restriction requirement, and in particular to the requirement for a serious burden on the Examiner if restriction is not required. Applicants' undersigned attorney apologizes for any misunderstanding of the Examiner's intent in his previous suggestions. However, the above statement is factual. None of the communications from the Examiner mentioned above were ever indicated to be "informal." The cover sheet of the facsimile transmission of January 20, 2005 includes the following statement: "ATTACHED IS A PROPOSED AMENDMENT TO SPEED UP THE PROSECUTION OF THE ABOVE APPLICATION AND TO PLACE IT IN CONDITION FOR ALLOWANCE." Applicants' undersigned attorney understood these communications to be part of an interview for which a summary is required to be made of record. *See* MPEP 713.04. Also, the subject matter of claim 61-63 was formally suggested by the Examiner on the record at pp. 19-20 of the Office Action of February 10, 2005 as a suggested amendment to claims 1, 20 and 39. Applicants' undersigned attorney felt that these facts were relevant to the restriction requirement.

In regard to the statement that these claims have been repeatedly examined, Applicants' undersigned attorney was referring to claims 61-63 prior to the last

amendment to these claims. The point that Applicants' undersigned attorney was trying to make was that it would not be a serious burden to examine claims 61-63 since the previous version of claims 61-63 had already been examined and the amendment made to these claims resulted in subject matter suggested by the Examiner on the record in the Office Action of February 10, 2005 as suggested amendments to claims 1, 20 and 39. Applicants' undersigned attorney apologizes that this point was not worded more clearly. However, the entire discussion is moot since the restriction requirement has been withdrawn.

Applicants' undersigned attorney fully understands that the Examiner is free to correct any previous mistakes or reject claims previously indicated as allowable if, for example, new art is discovered. Applicants' undersigned attorney never intended to suggest to the contrary. Statements made by Applicants' undersigned attorney have always been made according to Applicants' undersigned attorney understanding of the facts at hand. Applicants' undersigned attorney has never intentionally misinterpreted or misrepresented any communication from the Examiner. Again, Applicants' undersigned attorney apologizes for any misunderstanding.

The Examiner also stated that he believes that Applicants' undersigned attorney "indirectly admits that the prior arts discloses the claimed limitations of claims 1, 20 and 39, as [he] presented all the claimed limitations of the claims 1, 20 and 39, in the respective claims 58-60, with additional limitations that were not in claims 1-57 and making claims 58-60 narrower compared to the respective claims 1, 20 and 39." (emphasis by Examiner omitted). Applicants' undersigned attorney would like to clarify that he does not admit, nor has ever admitted, that the cited art discloses all the limitations of claims 1, 20 and 39. In fact, quite to the contrary, Applicants have repeatedly presented arguments regarding the patentability of the subject matter of claims 1, 20 and 39 over the cited art and even appealed the Examiner's rejections of these claims. The Examiner further states that if Applicants' undersigned attorney "was confident that the claimed subject matter of the claims 1, 20 and 39 are novel compared to the arts used for the rejections, then new narrower claims 58-60 compared to the

respective claims 1, 20, 39, with additional limitations that were not in claims 1-57, would not have been presented.” (emphasis by Examiner omitted). Applicants strongly disagree with the Examiner’s statement and logic. It is specifically because of Applicants’ believe in the patentability of claims 1, 20 and 39 over the cited art that claims 58-60 were added, rather than narrowing claims 1, 20 and 39 unduly. Applicants added new claims including additional limitations as alternate claims to provide a further range of claim coverage. Also, Applicants note that the art rejections of claim 1, 20 and 39 have been withdrawn.

### **Double Patenting Rejections:**

The Examiner rejected claims 1-60 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-44 of U.S. Patent 6,839,748, over claims 1-30 of U.S. patent 6,813,770, over claims 1-34 of U.S. Patent 6,915,324 and over claims 1-34 of U.S. Patent 6,950,935. Applicants traverse these rejections on the grounds that the Examiner has not stated a proper *prima facie* rejection.

According to MPEP 804.II.B.1, “the analysis employed in an obviousness-type double patenting determination parallels the guidelines for a 35 U.S.C. 103(a) rejection.” This section of the MPEP also states that the same “factual inquires ... that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are employed when making an obviousness-type double patenting analysis.” MPEP 804.II.B.1 also states that the Examiner should list the differences between **each** rejected claim and the claims of the other patent/application, and for **each** difference the Examiner should give the reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim is an obvious variation of the invention defined in a claim of the other patent/application.

The Examiner did not specifically addressed **each difference** of **each claim** of the present application compared to the claims of the other applications. Instead, the Examiner improperly lumped all the claims together and did not address each specific

difference. In the Response to Arguments, the Examiner states, “it should be noted that for [a] double patenting rejection all claims must not be obvious, as a double patenting rejection is proper in an instance when a single claim is obvious” (emphasis by Examiner). This is not correct. Applicants note however that the Examiner has rejected 1-60 in the double patenting rejection. If the Examiner believes that only a single claim is obvious, then only that single claim should be rejected. The Examiner has an obligation to list the differences between *each rejected claim* and the claims of the other patent/application and explain how each difference would be obvious. If the Examiner believes that only certain (or a single) claim is obvious over the 6,839,748, 6,813,770, 6,915,324, and 6,950,935 patents, Applicants respectfully request that the Examiner remove the rejection of those claims that the Examiner believes are not obvious over the 6,839,748, 6,813,770, 6,915,324, and 6,950,935 patents. If, however, the Examiner wishes to reject all of claims 1-60 over the claims of the 6,839,748, 6,813,770, 6,915,324, and 6,950,935 patents, Applicants maintain that the Examiner has failed to address each difference between each rejected claim and the claims of the 6,839,748, 6,813,770, 6,915,324, and 6,950,935 patents.

For instance, the Examiner has failed to address the differences between claims 1-60 and the claims of the 6,950,935 patent. Claims 1 – 60 recite limitations not recited in the claims of the 6,950,935 patent. For example, none of the claims of the 6,950,935 patent recite anything regarding a gateway configured to deliver events generated by managed objects, as recited in claim 1 of the current application.

Similarly, the claims of the current application recite additional subject matter not recited by any of the claims of the 6,950,935 patent. For example, none of the claims of the 6,950,935 patent recite anything regarding: a gateway configurable to authentication managers as a function of the identity of the managed object (claim 3), authenticating a manager as a function of the identify of the managed object (claim 3), delivering requests or events through a platform-independent interface according to Internet Inter-Object Protocol (IIOP) (claim 5), a telephone network (claim 8), telecommunication device (claim 9), providing security audit trails (claim 10), providing access to a logging service

(claims 11-15).

The Examiner has also fails to address specific differences between claims 1-60 and the claims of the 6,915,324, 6,839,748 and 6,813,770 patents. For instance, none of the claims of the 6,915,324, 6,839,748 and 6,813,770 patents recite anything regarding a gateway configured to deliver events generated by managed objects, as recited in claim 1 of the current application. Additionally, none of the claims of the 6,915,324, 6,839,748 and 6,813,770 patents recite anything regarding: a gateway configurable to determine whether each manager is authorized to communicate with each of the managed objects (claim 2), a gateway configurable to authentication managers as a function of the identity of the managed object (claim 3), authenticating a manager as a function of the identify of the managed object (claim 3), authenticating managers as a function of user IDs (claim 4), delivering requests or events through a platform-independent interface according to Internet Inter-Object Protocol (IIOP) (claim 5), providing security audit trails (claim 10), providing access to a logging service (claims 11-15).

Since the Examiner has not addressed the above-noted differences (and others), a *prima facie* rejection has not been stated.

Moreover, the Examiner admits that the claims of the 6,839,748, 6,813,770, 6,915,324, and 6,950,935 patents do not recite anything regarding providing object-level access control at the individual object level so that one of the managers is granted access to one of the managed objects while being prevented from interfacing with a different one of the managed objects as recited by claims 1, 20, 39, and 58-62. The Examiner relies on CORBA/TMN and Barry. However, CORBA/TMN and Barry, whether considered singly or in combination with each other and any of the 6,839,748, 6,813,770, 6,915,324, and 6,950,935 patents do not teach or suggest providing object-level access control at the individual object level so that one of the managers is granted access to one of the managed objects while being prevented from interfacing with a different one of the managed objects.

The Examiner has rejected claims 1-60 based on a broad generalization of the claimed subject matter. For example, in the rejection of claims 1-60 over claims 1-44 of U.S. Patent 6839748, the Examiner states that U.S. Patent 6839748 “does not specifically mention about usage of Individual object level.” The Examiner then relies on CORBA/TMN to disclose “using Individual object level” and “using SAP”. The Examiner also relies on Barry to disclose “using Individual object level.”

The Examiner’s rejection is based on combining different concepts, such as “using individual object level” and “using SAP” rather than relying upon specific teachings of the cited art. For example, the Examiner asserts that CORBA/TMN teaches, “using Individual object level”. However, the claims do not recite “using Individual object level.” When considering what is actually recited in the claims, CORBA/TMN does not teach providing object-level access control at the individual object level. Instead, CORBA/TMN uses a completely different type of access control from object-level access control. CORBA/TMN teaches domain-based access control. For example, CORBA/TMN states that objects (both managed and manager) are grouped into domains and that domains “are considered the unit of accessibility” and that each domain, “may have any number of objects within it” (CORBA/TMN, page 2-8, paragraph 7). Objects must gain access to a target object’s domain and can then access any object within that domain. Thus, CORBA/TMN teaches domain-level access control, not object-level access control. The fact that CORBA/TMN may refer to objects individually in other circumstances does not imply object-level access control at the individual object level.

Similarly, the Examiner relies on Barry to teach or suggest “using Individual object level”, citing column 15, lines 31 – 62 of Barry. Again, the claims do not recite “using Individual object level.” Barry, whether considered individually or in combination with CORBA/TMN, does not teach or suggest anything regarding providing object-level *access control at an individual object level*, as recited in Applicants’ claim. Instead, Barry describes an order entry application used “to order, fulfill, and bill for, as well as administer, the suite of data management applications.” Barry describes that all

access to the suite of applications is controlled by user identifiers and passwords and that “individual users are specifically granted access to only the necessary system objects, i.e., file, programs, menus, reports, etc.” However, Barry fails to teach or suggest any object-level access control provided at an individual object level. Instead, Barry teaches that the Order Entry application “provides the ability to prevent unauthorized, non-customer access to data and applications in the system.” Thus, Barry’s access control is provided on a user or client basis, not at an individual object level.

Thus, the Examiner’s reliance on a combination of CORBA/TMN and/or Barry to suggest the obviousness of including “the concept of using Individual object level and ... SAP” with the claimed subject matter of the 6,839,748, 6,813,770, 6,915,324, and 6,950,935 patents “in order to utilize the benefit provided by them” is clearly misplaced. Simply stating that “it would have been obvious ... in order to utilize the benefit provided by [CORBA/TMN and Barry teachings]” is not a valid reason why a person of ordinary skill in the art would conclude that the invention defined in each claim is an obvious variation of the invention defined in a claim of the other patent/application. Furthermore, as noted above, CORBA/TMN and Barry, whether considered alone or in combination, fail to teach or suggest the subject matter on which the Examiner relies.

The Examiner clearly has not met the requirements stated in MPEP 804.II.B.1 to establish a *prima facie* obviousness-type double patenting rejection. Accordingly, Applicants respectfully request removal of the double patenting rejection of claims 1-60.

The Examiner also provisionally rejected claims 1-60 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1- 39 of copending application 09/552,984, over claims 1-45 of copending application 09/557,068, and over claims 1-45 of copending application 09/552,985. If and/or when any of these rejections become non-provisional, Applicants will consider filing a terminal disclaimer or present reasons traversing the rejection. However, Applicants note that these rejections appear to flawed for similar reasons as discussed above.

**Objection to the Title:**

The title of Applicants' invention has been amended to overcome the Examiner's objection.

**Objection to the Abstract:**

The Abstract has been amended to overcome the Examiner's objection.

**Objection to the Drawings:**

FIG. 4 of the drawings has been amended to more clearly illustrate providing object-level access control at the individual object level so that one of the managers is granted access to one of the managed objects while being prevented from interfacing with a different one of the managed objects. No new matter has been added via this amendment to the drawings. As noted in the specification, (for example, on pages 12-14, 25-27, 32-33 and 36) various embodiments of event gateways and request gateways may provide object-level access control between manager application and managed objects in that manager application access to managed objects may be granted at the individual object level. Specifically on pages 25 - 27, the specification describes embodiments of Event Gateway 302 providing object-level access control between manager applications and managed objects such that "manager application access to managed objects may be granted at the individual object level" (specification, page 26, lines 15-19). Thus, the amendment to the flowchart illustrated in FIG. 4 is fully supported by the specification and introduces no new matter. Accordingly, Applicants respectfully request removal of the Examiner's objection to the drawings.

**Section 112, First Paragraph, Rejection:**

The Examiner rejected claims 1, 20, 39 and 57-63 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement and as failing to



comply with the enablement requirement. Applicants respectfully traverse this rejection for at least the following reasons.

The Examiner contends that the Specification “does not contain subject matter to implement limitations, ‘one of the managers is granted access to one of the managed objects while being prevented from interfacing with a different one of the managed objects,’ (and) along with (in combination with), ‘a gateway is coupled (interface/interfacing) to a plurality of managed objects’ (and) along with (in combination with), ‘one of the managers is granted access’” (parentheses by Examiner).

However, as noted in Applicants’ previous response, Applicants’ specification clearly includes proper antecedent basis for the claimed limitation in question. For example, at page 32, lines 20-30, states, under the heading “Object-Level Access Control”:

In one embodiment, the Request Gateway 304 may provide object-level access control between manager applications and managed objects. Therefore, manager application access to managed objects may be granted at the individual object level. That is, a given manager may be granted access to particular objects **while being prevented from interfacing with others**. In one embodiment, a client manager application may be subject to authentication by the Request Gateway before being granted access to managed objects, such as by a pluggable authentication module, discussed below with reference to Figures 12, 13, 14, and 15. (emphasis added).

The specification continues: “In one embodiment, object-level access control may be enforced by use of a Request Service Access Point (RequestSAP).”

Thus, contrary to the Examiner assertion, Applicants’ specification clearly provides proper antecedent basis for the claimed limitation.

The Examiner further states, “the specification contains individual pieces but does not contain how the claimed invention is implemented that already interfaced entities (and) (in combination with) along with same entities without interface(ing).” Applicants respectfully disagree with the Examiner’s contention. As shown above, the Specification

includes more than “individual pieces” of the claimed subject matter. Furthermore, the Specification clearly includes descriptions explaining how the claimed invention is implemented.

The Examiner also contends, “[t]he claims contain, ‘one of the managed is granted access to one of the managed objects while being prevented from interfacing with a different one of the managed objects’ however, each of the independent claims clearly mention, ‘a gateway is coupled (interface/interfacing) to a plurality of managed objects’” (bolding and underling by Examiner). The Examiner’s argument apparently is that since claims 1, 20 and 39 recite a gateway that is coupled to both a manager and a managed object, the manager is therefore somehow automatically or inherently *interfaces* with the managed object. However, such an interpretation is not supported by, or consistent with, the plain language of the claims, Applicants’ specification, and/or any reasonable interpretation of the specific limitations recited by the claims.

The Examiner further states, “the interface(ing) from the gateway to all the claimed managed objects that already exists in the claimed invention; and also claimed that the interfacing is prevented.” However, claims 1, 20 and 39 do not recite preventing the gateway from interfacing the managed objects. Instead the claims recite that the gateway may prevent a manager from interfacing with one of the managed objects.

The Examiner is apparently arguing that a gateway that is coupled between (to both) a manager and a managed object cannot prevent the manager from interfacing with the managed object. However, just because a manager is coupled to a gateway that in turn is coupled to a managed object does not imply that the manager is automatically or inherently interfacing, or cannot be prevented from interfacing, with the managed object. According to the Examiner’s logic, every PC connected (coupled) to the Internet is *interfacing* with every other PC concurrently connected (coupled) to the Internet. Similarly, following the Examiner’s logic, since a firewall device coupled between a home PC and the Internet implies the firewall device would be unable to prevent a malicious PC from interfacing with the home PC.

The Examiner also states that claim 2 includes the limitation that “the **manager** is authorized to **communicate (interface/interfacing)** with **each** of the managed objects” (bolding and underlining by Examiner). However, the Examiner has incorrectly interpreted claim 2. Claim 2 recites, in part, “wherein the gateway is configurable to determine whether each of the one or more managers is authorized to communicate with each of the managed objects” (italics added). Thus, rather than reciting a limitation that is “contrary to preventing interfacing” as the Examiner contends, claim 2 further defines the fact that the gateway is providing access control (e.g., determining *whether* a manager is authorized to communicate with a managed object).

Thus, the Examiner’s 35 U.S.C. 112, first paragraph rejection of claims 1, 20, 30 and 57-63 is improper and removal thereof is respectfully requested.

The Examiner rejects claims 1, 20, 39 and 57-63 under 35 U.S.C. 112, first paragraph, “as failing to comply with the enablement requirement.” Applicants traverse. Specifically, the Examiner argues that the claims “contain subject matter, which was not described in the specification ... in such a way as to enable one skilled in the art ... to make and/or use the invention.” Applicants respectfully disagree. As shown above, the specification fully describes the subject matter of the rejected claims so that one skilled in the art would be able to make and use Applicants’ invention. For example, pages 26 and 27, among others, of the specification describes various embodiments of a gateway and how such a gateway “may provide object-level access control between manager applications and managed objects.” Since, as shown above, and verifiable by even a cursory reading of Applicants’ Specification, the subject matter of claims 1, 20, 39 and 57-63 is clearly described in such a way as to allow one skilled in the art to make and use Applicants’ invention, the 35 U.S.C. 112, first paragraph, rejection of claims 1, 20, 39 and 57-63 is improper and removal thereof is respectfully requested.

## CONCLUSION

Applicants submit the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicants hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-48400/RCK.

Also enclosed herewith are the following items:

- ☐ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☒ Replacement Drawing Sheet for Fig. 4
- ☐ Other:

Respectfully submitted,

/Robert C. Kowert/

Robert C. Kowert, Reg. No. 39,255  
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.  
P.O. Box 398  
Austin, TX 78767-0398  
Phone: (512) 853-8850

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